

REMARKS

Claims 1-30 are presently pending in this application. Claims 1, 3, 9 and 25-30 have been amended to more particularly define the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 3, 25 and 29-30 are objected to due to informalities. Applicant has amended the claims in a manner believed fully responsive to all points raised by the Examiner.

With respect to the amendment made to claims 25 and 30, Applicant directs the Examiner to the Specification at page 24, lines 25-30.

Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 1 has been amended in a manner believed fully responsive to all points raised by the Examiner.

Claims 1-3, 7, 9-10, 12-13, 15-16 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Montlick, U.S. Pat. No. 5,561,446.

Claims 4-6, 8, 11 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montlick, U.S. Pat. No. 5,561,446, further in view of Snell, U.S. Pat. No. 5,724,985.

Claims 18, 22-23, 27 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montlick, U.S. Pat. No. 5,561,446, further in view of Igarashi.

Claims 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Montlick U.S. Pat. No. 5,561,446, further in view of Fenster, U.S. Pat. No. 5,454,371.

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Montlick U.S. Pat. No. 5,561,446, further in view of Tanaka, U.S. Pat. No. 5,249,296.

Claims 17, 19, 26, 28 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montlick U.S. Pat. No. 5,561,446 in view of Applicant's Admitted Prior Art (AAPA).

These rejections are respectfully traversed in view of the following discussion.

I. APPLICANT'S CLAIMED INVENTION

The claimed invention (as defined, for example, by independent claim 1) is directed to an application method for supporting a medical treatment system, the system comprising an input/display device including input means and display means, and a storage, the method including, the input/display device receiving input by handwriting, determining whether a data identifier has been received in the handwriting, storing data in the storage substantially all as medical data, the input means moving in a sliding manner on a sheet label displayed at a particular position on a screen by the display means, and the input/display device reading, when the input means moves onto the sheet label, data stored in the storage in relation to the sheet label from the storage, and displaying the data by conducting a change-over operation for the sheet label.

Conventionally, a user's knowledge of complex specifications is required for to master the operation method of a conventional device which requires a long period of time to learn and operate and consequently disadvantageously occurs in a case where the operator must search for appropriate operation when conducting an input operation. (Application at

page 4, line 5 to page 5, line 11).

The claimed invention (e.g., as recited in claims 1, 9 and 28), on the other hand, includes the input/display device receiving input by handwriting and determining whether a data identifier has been received in the handwriting. This feature is important to locate and intra-identifier code associated with the data identifier and free input to thereby record the intra-identifier code, (Application at page 18, line 22 to page 19, line 2).

II. THE ALLEGED PRIOR ART REJECTIONS

A. 35 U.S.C. § 102(b) Rejection over Montlick, U.S. Pat. No. 5,561,446.

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446, (Montlick), teaches the invention of claims 1-3, 7, 9-10, 12-13, 15-16 and 24.

Applicant submits, however, that Montlick does not teach or suggest, “determining whether a data identifier has been received in said handwriting,” in claims 1 and 9.

Montlick discloses that the handwritten notes 52 are not interpreted by either the center computer system 10 or the pen-based computer 12, but are saved as an electronic ink file 54 (a graphic image file) and subsequently displayed in a manner where the image (ink) file is overlaid with a particular referenced form. See citation from Montlick below.

Turning now to FIGS. 3 and 3a, certain forms displayed on the display 12a provide spaces within which data may be handwritten. For example, when Physical is selected from the menu 32, the interface 30 displays a page 50 representing the first page of a typical internist's patient physical form. ...Handwritten notes 52 may be entered anywhere upon page 50 using the stylus 12b (FIGS. 1 and 2) as a pen and the position sensitive display 12a as paper. The interface 30 causes the handwritten notes 52 to appear as they are written on the display 12a. **The notes 52 are not interpreted by either the central computer system 10 or the pen-based computer 12. Moreover, no attempt is made to associate any one of the notes 52 with any one part of the page 50. Instead, as shown in FIG. 4, all of the notes 52 are saved as a electronic ink file 54 which represents a graphic image of all of the notes**

52 which were written onto page 50 (FIGS. 3 and 3a). The electronic ink file 54 is digitally associated with a reference code 56 to create an identifiable digital document 58. ...Even though the information (the handwritten notes) contained in the document is unintelligible to the computer, the information can be retrieved and displayed in the context which gives it meaning to a user. ...It will further be appreciated that only one digital copy of each form (for example page 50) need be stored in the memory of the central computer system and that the records of a patient will include a plurality of digital documents which include electronic ink and reference to a particular form upon which the electronic ink is to be overlaid. (Emphasis added.) (Column 8, lines 10-64.)

Therefore, Montlick fails to teach or suggest *determining whether a data identifier has been received in said handwriting*, since Montlick clearly teaches away from Applicant's invention by disclosing that the user input notes 52 are **not** processed in any manner by any computer to determine the content thereof, let alone to determine whether a data identifier has been received in the user input notes 52.

Applicants request that the Examiner provide evidence to support his "Official Notice," on page 5 of the Office Action. There must be some form of evidence in the record to support an assertion of common knowledge. See *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697.

Applicant contends that *the operation to read data from the storage and to display the data, when and unchangeable state is beforehand as set to the data, said input/display device displays an item indicating that the data cannot be changed*, for example of claim 12, is not considered to be common knowledge or well-known in the art.

The Examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the Examiner is

relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2).

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

B. 35 U.S.C. § 103(a) Rejection over Montlick, U.S. Pat. No. 5,561,446 further in view of Snell, U.S. Pat. No. 5,724,985.

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446, (Montlick), further in view of Snell, U.S. Pat. No. 5,724,985, (Snell), makes obvious the invention of claims 4-6, 8, 11 and 14.

With respect to the rejection of Applicant's claims 4-6, 8, 11 and 14, Applicant respectfully submits that Montlick would not have been combined with Snell and even if combined, the combination would not teach or suggest each and every element of the claimed invention, since Montlick, as pointed out above, fails to teach or suggest, "determining whether a data identifier has been received in said handwriting."

Snell discloses an integrated digitizer display screen and a digitizer pen serve as the primary input devices to a tablet computer adapted to receive real-time and stored medical data. The pen is used to select programming options by tapping portions of the digitizer based on visual images on the display. Additionally, the pen may be used to manipulate the medical data through the use of gestures, or be used to enter free form annotations concerning the medical data.

Snell therefore fails to overcome the deficiencies of Montlick.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art references (alone or in combination) fail to teach or suggest each and every element and feature of Applicant's claimed invention.

C. 35 U.S.C. § 103(a) Rejection over Montlick, U.S. Pat. No. 5,561,446 further in view of Igarashi.

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446, (Montlick), further in view of Igarashi, (Igarashi), makes obvious the invention of claims 18, 22-23, 27 and 30.

With respect to the rejection of Applicant's claims 18, 22-23, 27 and 30, Applicant respectfully submits that Igarashi would not have been combined with Montlick and even if combined, the combination would not teach or suggest each and every element of the claimed invention, since Montlick, as pointed out above, fails to teach or suggest, "determining whether a data identifier has been received in said handwriting."

Igarashi discloses a whiteboard interface design for informal office work including techniques for the management of space on the board, the ability to flexibly apply behaviors to support varied applications semantics, and mechanisms for managing history on the board.

Igarashi therefore fails to overcome the deficiencies of Montlick.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art references (alone or in combination) fail to teach or suggest each and every element and feature of Applicant's claimed invention.

D. 35 U.S.C. § 103(a) Rejection over Montlick U.S. Pat. No. 5,561,446, further in view of Fenster, U.S. Pat. No. 5,454,371.

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446, (Montlick), further in

view of Fenster, U.S. Pat. No. 5,454,371, (Fenster), makes obvious the invention of claims 20 and 21.

With respect to the rejection of Applicant's claims 20 and 21, Applicant respectfully submits that Fenster would not have been combined with Montlick and even if combined, the combination would not teach or suggest each and every element of the claimed invention, since Montlick, as pointed out above, fails to teach or suggest, "determining whether a data identifier has been received in said handwriting."

Fenster discloses a three-dimensional ultrasound imaging system includes an ultrasound probe to direct ultrasound waves to and to receive reflected ultrasound waves from a target volume of a subject under examination.

Fenster therefore fails to overcome the deficiencies of Montlick.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art references (alone or in combination) fail to teach or suggest each and every element and feature of Applicant's claimed invention.

E. 35 U.S.C. § 103(a) Rejection over Montlick U.S. Pat. No. 5,561,446, further in view of Tanaka, U.S. Pat. No. 5,249,296.

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446, (Montlick), further in view of Tanaka, U.S. Pat. No. 5,249,296, (Tanaka), makes obvious the invention of claim 25.

With respect to the rejection of Applicant's claim 25, Applicant respectfully submits that Tanaka would not have been combined with Montlick and even if combined, the combination would not teach or suggest each and every element of the claimed invention, since Montlick, as pointed out above, fails to teach or suggest, "determining whether a data identifier has been received in said handwriting."

Tanaka discloses an information processing apparatus for controlling window positions comprising a pen for inputting coordinate information, a tablet for generating coordinate data based on coordinate information input by the pen onto the tablet, a display placed under the tablet in such a manner that an image on the display is visible through the tablet means, and first display control means for opening in a predetermined position a new window corresponding to the icon selected by a checking (pen down, pen up at a single icon location) operation of the pen.

Tanaka therefore fails to overcome the deficiencies of Montlick.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art references (alone or in combination) fail to teach or suggest each and every element and feature of Applicant's claimed invention.

F. 35 U.S.C. §103(a) Rejection over Montlick U.S. Pat. No. 5,561,446 in view of Applicant's Admitted Prior Art (AAPA).

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446, (Montlick), further in view of Applicant's Admitted Prior Art (AAPA), makes obvious the invention of claims 17, 19, 26, 28 and 29.

With respect to the rejection of Applicant's claims 17, 19, 26, 28 and 29, Applicant respectfully submits that AAPA would not have been combined with Montlick and even if combined, the combination would not teach or suggest each and every element of the claimed invention, since Montlick, as pointed out above, fails to teach or suggest, "determining whether a data identifier has been received in said handwriting."

AAPA discloses an example of the medical treatment support system using a pen-tablet device that requires an operator change the setting of the input device between a mouse

operation, a text operation or an input tablet operation.

AAPA therefore fails to overcome the deficiencies of Montlick.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art references (alone or in combination) fail to teach or suggest each and every element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

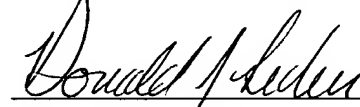
In view of the foregoing, Applicant submits that claims 1-30, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: November 3, 2006

Respectfully Submitted,



Donald J. Lecher, Esq.

Reg. No. 41,933

Sean M. McGinn, Esq.

Reg. No. 34,386

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254